

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:22-cv-293-JRG (Lead Case)
)	
SAMSUNG ELECTRONICS CO., LTD, ET)	JURY TRIAL DEMANDED
AL.,)	
)	
Defendants.)	
)	
)	
)	
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NETLIST, INC.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:22-cv-294-JRG (Member Case)
)	
MICRON TECHNOLOGY, INC.; MICRON)	JURY TRIAL DEMANDED
SEMICONDUCTOR PRODUCTS, INC.;)	
MICRON TECHNOLOGY TEXAS LLC,)	
)	
Defendants.)	
)	

MICRON'S REPLY IN SUPPORT OF MOTION TO STAY

The Micron Defendants (“Micron”) hereby respectfully submit this reply in support of their motion to stay (ECF 288). Netlist’s opposition (ECF 327) primarily incorporates by reference its opposition to Samsung’s motion to stay. To reduce the burden on the Court, Micron incorporates by reference Samsung’s reply to that opposition (Case No. 293 ECF 379). For at least all of the same reasons presented in Samsung’s reply, the Court should stay the case against Micron as well.

Netlist alleges that there “is an additional reason to deny Micron’s motion” because the “IPRs will not simplify the case with respect to Micron.” ECF 327 at 1. This argument is flawed. To the contrary, simplification is assured if a stay is granted at least because 35 U.S.C. § 315(e)(2)

estops Micron from advancing at trial the prior art combinations from the IPRs. *See NFC Technology LLC v. HTC America, Inc.*, No. 2:13-cv-2069-WCB, 2015 WL 1069111, at *7 (E.D.Tex., Mar. 11, 2015) (observing that the requested stay was “*likely* to simplify the proceedings before this Court” and explaining that “in light of the fact that the PTAB has already instituted review,” the “‘simplification’ factor *cuts strongly in favor* of granting a stay”).

Nor is Netlist correct in arguing that “Micron is taking an incredibly narrow (and incorrect view) of IPR estoppel.” ECF 327 at 1. The Court previously expressed its view on the scope of IPR estoppel, observing that the “Federal Circuit has held that estoppel for parties joined to an IPR action is governed by § 315(c), and the ‘joinder provision does not permit a joining party to bring into the proceeding new grounds that were not already instituted.’” *Netlist, Inc. v. Micron Tech., Inc.*, EDTX Case No. 2-22-cv-203-JRG-RSP, ECF 426 at 3 (Jan. 10, 2024) (citing *Network-I Technologies, Inc. v. Hewlett-Packard Company*, 981 F.3d 1015, 1027 (Fed. Cir. 2020)). It is Netlist, not Micron, that is objecting to the Court’s view of IPR estoppel by arguing (without any support) to limit *Network-I*’s holding to only time-barred IPRs. *See* EDTX Case No. 2-22-cv-203-JRG-RSP, ECF 445 at 3. Netlist’s recycling of this prior failed and unsupportable argument here does not weigh against grant of a stay.

Moreover, there is an additional reason to stay the Micron case not present in the *Samsung* action—both of the patents asserted against Micron are anticipated to have final PTAB decisions by trial or within a few months thereof. *See* ECF288 at 2 (deadline for ’912 patent IPR decision is April 19, 2024; deadline for ’417 patent IPR decision is August 1, 2024). The *Samsung* litigation, in contrast, involves an additional asserted patent (U.S. Patent No. 10,268,608) with a later anticipated IPR decision date. *See* ECF 285 at 3.

Dated: January 22, 2024

Respectfully submitted,

By: /s/ Michael R. Rueckheim

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CERTIFICATE OF SERVICE

I hereby certify that on January 22, 2024, the foregoing document was electronically filed with the Clerk of Court using the Court's CM/ECF system, which will send notification of such filing to all counsel of record, including counsel of record for Plaintiff Netlist Inc.

/s/ Michael R. Rueckheim
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